

## **IC 9-21-12**

### **Chapter 12. School Buses; Fire and Emergency Vehicles**

#### **IC 9-21-12-1 Version a**

##### **Arm signal device; duty to obey; presumption**

*Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.*

Sec. 1. (a) A person who drives a vehicle that:

(1) meets or overtakes from any direction a school bus stopped on a roadway and is not stopped before reaching the school bus when the arm signal device specified in IC 9-21-12-13 is in the device's extended position; or

(2) proceeds before the arm signal device is no longer extended; commits the offense described in section 9 of this chapter.

(b) This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

(c) There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

*As added by P.L.2-1991, SEC.9. Amended by P.L.127-1993, SEC.2; P.L.1-2005, SEC.104.*

#### **IC 9-21-12-1 Version b**

##### **Arm signal device; duty to obey; presumption**

*Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

Sec. 1. (a) A person who drives a vehicle that:

(1) meets or overtakes from any direction a school bus stopped on a roadway and is not stopped before reaching the school bus when the arm signal device specified in IC 9-21-12-13 is in the device's extended position; or

(2) proceeds before the arm signal device is no longer extended; commits a Class A infraction.

(b) This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

(c) There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

*As added by P.L.2-1991, SEC.9. Amended by P.L.127-1993, SEC.2; P.L.1-2005, SEC.104; P.L.217-2014, SEC.52.*

## **IC 9-21-12-2**

### **Repealed**

*(Repealed by P.L.113-2014, SEC.23; P.L.217-2014, SEC.53.)*

### **IC 9-21-12-3**

#### **Divided highways; vehicles approaching school bus; duty to use caution**

- Sec. 3. On a highway divided into two (2) or more roadways by:
- (1) leaving an intervening space that is unimproved and not intended for vehicular travel;
  - (2) a physical barrier; or
  - (3) a dividing section constructed to impede vehicular traffic;
- and

if the school bus is on the opposite side of the traffic barrier, the person who drives an approaching vehicle need not stop and may proceed with due caution for the safety of children boarding or leaving the school bus.

*As added by P.L.2-1991, SEC.9.*

### **IC 9-21-12-4**

#### **Design and operation of school buses; rules; adoption**

Sec. 4. (a) The state school bus committee established by IC 20-27-3-1 shall adopt and enforce rules that are consistent with this chapter to govern the design and operation of all school buses used for the transportation of school children that are:

- (1) owned and operated by a school corporation; or
- (2) privately owned and operated under contract with a school corporation;

in Indiana. Rules adopted under this section shall by reference be made a part of a contract between a private school bus company and a school corporation.

(b) Each school corporation, the school corporation's officers and employees, and every person employed under contract by a school district is subject to the rules adopted under this section.

*As added by P.L.2-1991, SEC.9. Amended by P.L.1-2005, SEC.105.*

### **IC 9-21-12-5 Version a**

#### **Railroad crossings; duty to stop**

*Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.*

Sec. 5. (a) This section does not apply to the following:

- (1) A street railway grade crossing within a business or residence district.
- (2) Abandoned or unused railroad grade crossings that are:
  - (A) designated by the Indiana department of transportation under IC 8-6-15-2; and
  - (B) marked with a "tracks out of service" sign that complies with the requirements of IC 8-6-15-3.

(b) A person who drives:

- (1) a motor vehicle carrying passengers for hire;
- (2) a school or private bus that is carrying passengers; or
- (3) a vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo;

shall, before crossing at grade a track of a railroad, stop the vehicle not more than fifty (50) feet and not less than fifteen (15) feet from the nearest rail of the railroad.

(c) While stopped in accordance with subsection (b), the person shall do the following:

- (1) Listen through an open window or door.
- (2) Look in both directions along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment.
- (3) Not proceed until the person can proceed safely.

After stopping, the person shall cross only in a gear of the vehicle so there will be no necessity for changing gears while traversing the crossing. The person who drives the vehicle may not shift gears while crossing the track or tracks.

(d) If a police officer or traffic control signal directs traffic to proceed at a railroad crossing, the person who drives a vehicle subject to this section shall proceed in accordance with the instructions of the police officer or traffic control signal.

*As added by P.L.2-1991, SEC.9. Amended by P.L.119-1995, SEC.7; P.L.87-2003, SEC.2; P.L.8-2010, SEC.6.*

#### **IC 9-21-12-5 Version b**

##### **Railroad crossings; duty to stop**

*Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

Sec. 5. (a) This section does not apply to the following:

- (1) A street railway grade crossing within a business or residence district.
- (2) Abandoned or unused railroad grade crossings that are:
  - (A) designated by the Indiana department of transportation under IC 8-6-15-2; and
  - (B) marked with a "tracks out of service" sign that complies with the requirements of IC 8-6-15-3.

(b) A person who drives:

- (1) a motor vehicle, not including a school or private bus, carrying passengers for hire;
- (2) a school or private bus that is carrying passengers; or
- (3) a vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo;

shall, before crossing at grade a track of a railroad, stop the vehicle not more than fifty (50) feet and not less than fifteen (15) feet from the nearest rail of the railroad.

(c) While stopped in accordance with subsection (b), the person shall do the following:

- (1) Listen through an open window or door.
- (2) Look in both directions along the track for an approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment.
- (3) Not proceed until the person can proceed safely.

After stopping, the person shall cross only in a gear of the vehicle so

there will be no necessity for changing gears while traversing the crossing. The person who drives the vehicle may not shift gears while crossing the track or tracks.

(d) If a police officer or traffic control signal directs traffic to proceed at a railroad crossing, the person who drives a vehicle subject to this section shall proceed in accordance with the instructions of the police officer or traffic control signal.

(e) Except as provided in subsection (f), a person who violates this section commits a Class C infraction.

(f) A person who knowingly or intentionally violates subsection (b)(2) commits a Class B misdemeanor.

*As added by P.L.2-1991, SEC.9. Amended by P.L.119-1995, SEC.7; P.L.87-2003, SEC.2; P.L.8-2010, SEC.6; P.L.217-2014, SEC.54.*

#### **IC 9-21-12-6**

##### **Repealed**

*(Repealed by P.L.113-2014, SEC.24; P.L.217-2014, SEC.55.)*

#### **IC 9-21-12-7 Version a**

##### **Fire apparatus responding to alarm; following or driving into same block; prohibited vehicles**

*Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.*

Sec. 7. A person who drives a vehicle that is not on official business may not do any of the following:

(1) Follow any fire apparatus traveling in response to a fire alarm at a distance closer than five hundred (500) feet.

(2) Drive into or park a vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

*As added by P.L.2-1991, SEC.9.*

#### **IC 9-21-12-7 Version b**

##### **Fire apparatus responding to alarm; following or driving into same block; prohibited vehicles**

*Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

Sec. 7. (a) A person who drives a vehicle that is not on official business for the state, a unit of government, a fire department, including a volunteer fire department, a law enforcement agency, or an emergency ambulance service may not do any of the following:

(1) Follow any fire apparatus traveling in response to a fire alarm at a distance closer than five hundred (500) feet.

(2) Drive into or park a vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(b) A person who violates this section commits a Class C infraction.

*As added by P.L.2-1991, SEC.9. Amended by P.L.217-2014, SEC.56.*

#### **IC 9-21-12-8**

##### **Violation of duty to stop at railroad crossings; fine; suspension of**

**driving privileges**

Sec. 8. A person who is convicted of a violation of section 5 of this chapter shall, in addition to the fine and costs that are assessed against the person, have the person's driving privileges suspended for a period of not less than sixty (60) days.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-12-9 Version a****Violation of IC 9-21-12-1**

*Note: This version of section amended by P.L.113-2014, SEC.25. See also following repeal of this section by P.L.217-2014, SEC.57, effective 1-1-2015.*

Sec. 9. A person who violates section 1 of this chapter commits a Class A infraction.

*As added by P.L.2-1991, SEC.9. Amended by P.L.127-1993, SEC.3; P.L.113-2014, SEC.25.*

**IC 9-21-12-9 Version b****Repealed**

*(Repealed by P.L.217-2014, SEC.57.)*

*Note: This version of section repealed by P.L.217-2014, SEC.57, effective 1-1-2015. See also preceding version of this section amended by P.L.113-2014, SEC.25.*

**IC 9-21-12-10****Violation of provisions relating to design and operation of school buses; breach of contract**

Sec. 10. A person who violates section 4 of this chapter commits breach of contract.

*As added by P.L.2-1991, SEC.9.*

**IC 9-21-12-11 Version a****Violations**

*Note: This version of section amended by P.L.113-2014, SEC.26. See also following repeal of this section by P.L.217-2014, SEC.58, effective 1-1-2015.*

Sec. 11. (a) A person who violates section 5, 7, or 19 of this chapter commits a Class C infraction.

(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, or 16 of this chapter commits a Class C misdemeanor.

(c) A person described in section 18(b) or 18(c) of this chapter commits a Class B infraction.

*As added by P.L.2-1991, SEC.9. Amended by P.L.1-2005, SEC.25; P.L.231-2005, SEC.3; P.L.107-2006, SEC.3; P.L.39-2009, SEC.1; P.L.113-2014, SEC.26.*

**IC 9-21-12-11 Version b****Repealed**

*(Repealed by P.L.217-2014, SEC.58.)*

*Note: This version of section repealed by P.L.217-2014, SEC.58, effective 1-1-2015. See also preceding version of this section*

*amended by P.L.113-2014, SEC.26.*

**IC 9-21-12-12 Version a**

**School bus loading and unloading on highway**

*Note: This version of section effective until 1-1-2015. See also following repeal of this section, effective 1-1-2015.*

Sec. 12. When a school bus is operated on a highway, the driver shall load and unload a student as close as practical to the right-hand curb or edge of the roadway.

*As added by P.L.1-2005, SEC.26.*

**IC 9-21-12-12 Version b**

**Repealed**

*(Repealed by P.L.217-2014, SEC.59.)*

*Note: This repeal of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

**IC 9-21-12-13 Version a**

**School bus; arm signal device**

*Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.*

Sec. 13. (a) Except:

- (1) as provided in subsection (b); or
- (2) when a school bus is stopped at an intersection or another place where traffic is controlled by a traffic control device or a police officer;

whenever a school bus is stopped on a roadway to load or unload a student, the driver shall use an arm signal device, which must be extended while the bus is stopped.

(b) The governing body of a public school may authorize a school bus driver to load or unload a student at a location off the roadway that the governing body designates as a special school bus loading area. The driver is not required to extend the arm signal device when loading or unloading a student in the designated area.

*As added by P.L.1-2005, SEC.27.*

**IC 9-21-12-13 Version b**

**School bus; arm signal device**

*Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

Sec. 13. (a) Except:

- (1) as provided in subsection (b); or
- (2) when a school bus is stopped at an intersection or another place where traffic is controlled by a traffic control device or a police officer;

whenever a school bus is stopped on a roadway to load or unload a student, the driver shall use an arm signal device, which must be extended while the bus is stopped.

(b) The governing body of a public school may authorize a school bus driver to load or unload a student at a location off the roadway

that the governing body designates as a special school bus loading area. The driver is not required to extend the arm signal device when loading or unloading a student in the designated area.

(c) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

*As added by P.L.1-2005, SEC.27. Amended by P.L.217-2014, SEC.60.*

#### **IC 9-21-12-14 Version a**

##### **School bus; directional signal**

*Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.*

Sec. 14. Before a driver changes the direction of a school bus, the driver shall use a directional signal to indicate the change at least one hundred (100) feet before the driver turns.

*As added by P.L.1-2005, SEC.28.*

#### **IC 9-21-12-14 Version b**

##### **School bus; directional signal**

*Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

Sec. 14. Before a driver changes the direction of a school bus, the driver shall use a directional signal to indicate the change at least one hundred (100) feet before the driver turns. A school bus driver who knowingly or intentionally violates this section commits a Class C misdemeanor.

*As added by P.L.1-2005, SEC.28. Amended by P.L.217-2014, SEC.61.*

#### **IC 9-21-12-15 Version a**

##### **School bus; flashing lights**

*Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.*

Sec. 15. The driver of a school bus shall use flashing lights as prescribed by the state school bus committee to give adequate warning that the school bus is stopped or about to stop on the roadway to load or unload a student.

*As added by P.L.1-2005, SEC.29.*

#### **IC 9-21-12-15 Version b**

##### **School bus; flashing lights**

*Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

Sec. 15. (a) The driver of a school bus shall use flashing lights as prescribed by the state school bus committee to give adequate warning that the school bus is stopped or about to stop on the roadway to load or unload a student.

(b) A school bus driver who knowingly or intentionally violates subsection (a) commits a Class C misdemeanor.

*As added by P.L.1-2005, SEC.29. Amended by P.L.217-2014, SEC.62.*

### **IC 9-21-12-16 Version a**

#### **Forward area of school bus off limits to children**

*Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.*

Sec. 16. When a school bus is in motion, students are prohibited from occupying any space forward of a vertical plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every school bus must:

- (1) be marked with a line or otherwise equipped in order to indicate the prohibited area to students; and
- (2) have clearly posted, at or near the front of the bus, a sign stating that it is a violation of Indiana law for a school bus to be operated with any students occupying the prohibited area.

*As added by P.L.1-2005, SEC.30.*

### **IC 9-21-12-16 Version b**

#### **Forward area of school bus off limits to children**

*Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

Sec. 16. (a) When a school bus is in motion, students are prohibited from occupying any space forward of a vertical plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. Every school bus must:

- (1) be marked with a line or otherwise equipped in order to indicate the prohibited area to students; and
- (2) have clearly posted, at or near the front of the bus, a sign stating that it is a violation of Indiana law for a school bus to be operated with any students occupying the prohibited area.

(b) A school bus driver who knowingly or intentionally violates this section commits a Class C misdemeanor.

*As added by P.L.1-2005, SEC.30. Amended by P.L.217-2014, SEC.63.*

### **IC 9-21-12-17**

#### **Repealed**

*(Repealed by P.L.113-2014, SEC.27; P.L.217-2014, SEC.64.)*

### **IC 9-21-12-18 Version a**

#### **School bus and special purpose bus; obstruction of exits; violations**

*Note: This version of section amended by P.L.113-2014, SEC.28. See also following version of this section amended by P.L.217-2014, SEC.65, effective 1-1-2015.*

Sec. 18. (a) Whenever a school bus or special purpose bus is transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:

- (1) inhibits or obstructs an exit; or
- (2) renders the means of exit hazardous.

(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c)



of this chapter.

(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.

*As added by P.L.107-2006, SEC.5. Amended by P.L.113-2014, SEC.28.*

#### **IC 9-21-12-18 Version b**

##### **School bus and special purpose bus; obstruction of emergency exits and doors prohibited; driver penalties; employer penalties**

*Note: This version of section amended by P.L.217-2014, SEC.65, effective 1-1-2015. See also preceding version of this section amended by P.L.113-2014, SEC.28.*

Sec. 18. (a) Whenever a school bus or special purpose bus is transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:

- (1) inhibits or obstructs an exit; or
- (2) renders the means of exit hazardous.

(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) commits a Class C misdemeanor.

(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) commits a Class C misdemeanor.

*As added by P.L.107-2006, SEC.5. Amended by P.L.217-2014, SEC.65.*

#### **IC 9-21-12-19**

##### **School bus and special purpose bus; end of trip inspection**

Sec. 19. (a) A person who operates a school bus or a special purpose bus shall visually inspect each seat within the interior of the school bus or special purpose bus at the end of a trip during which students or passengers are transported to determine that no student or passenger has remained on the school bus or special purpose bus.

(b) The visual inspection required under subsection (a) must be conducted:

- (1) at the conclusion of each trip during which students or passengers are transported; and
- (2) before the operator exits the school bus or special purpose bus.

(c) A student or passenger is considered to have been left on a school bus or special purpose bus if:

- (1) the operator has reached the end of a trip during which students or passengers are transported and exited the school bus or special purpose bus; and
- (2) the student or passenger remains inside the school bus or special purpose bus.

(d) A school bus or special purpose bus owner shall report all instances of a student or passenger being left on the school bus or

special purpose bus to the superintendent or the superintendent's designee immediately after the incident occurred.

(e) The superintendent or the superintendent's designee shall report all instances of a student or passenger being left on the school bus or special purpose bus to the department of education not later than five (5) working days after the incident occurred.

*As added by P.L.39-2009, SEC.2.*